

In re ) Fair Hearing No. 10,504  
 )  
Appeal of )

The petitioner appeals the decision by the Department of Social Welfare terminating her food stamp grant. The issue is whether the Department correctly determined that the father of the petitioner's child is a member of the petitioner's food stamp household.

The facts are not in dispute. Prior to April, 1991, the petitioner received food stamps as a single individual. In April, the petitioner gave birth to a child. Since she and the father of the child were, and still are, living together, the Department determined that she could no longer be considered a food stamp household separate from the father.

ORDER

REASONS

The food stamp regulations provide that parents and children who live together--whether or not they purchase food and prepare meals together--must be considered a single

food stamp household. F.S.M. § 273.1(a). All the income and resources of all the household members must be considered in determining the household's eligibility for food stamps. Id. The petitioner does not dispute that the father's income is in excess of the program maximum for a household of three persons.<sup>1</sup> See F.S.M. § 273.10. Therefore, the Department decision terminating the petitioner's grant as of the time her child was born must be affirmed. 3 V.S.A. § 3091(d) and Food Stamp Fair Hearing Rule No. 17.

FOOTNOTES

<sup>1</sup>The petitioner alleges that, despite sharing the same house, the father of her child does not fully support her and the child. The petitioner was advised to speak to an attorney (Vermont Legal Aid) regarding her legal rights in these circumstances.

# # #